



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16161 of 2017

BADRUDEEN

... PETITIONER/ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION,
TRICHY DISTRICT
(CRIME NO. 620/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.B.SANTHANAM RAJESHKUMAR Advocate

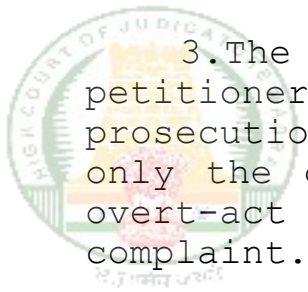
For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 20.09.2017 by the respondent police for the offences punishable under Sections 294(b), 342, 323, 307 and 302 of I.P.C., in Crime No.620 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner informed the defacto complainant as if her husband had stolen the money purse and cellphone and thereby, they went to enquire about the stolen articles with the defacto complainant. Accordingly, A1 and A2 went to defacto complainant's house on 13.09.2017 and secured deceased person and took him to their house. A1 and A2 attacked the defacto complainant's husband by demanding the purse and cell phone. The petitioner, who is arrayed as A4 was also standing nearby A1 and A2 and attacked the defacto complainant's hands. Thereafter, the defacto complainant went to the house of A1 and A2 and asked for her husband, however, they asked her to leave their house. Later on, she found her husband in bad condition and taken him to the hospital. Thereon, the defacto complainant's husband died in the hospital. Hence, the respondent police registered a case against the petitioner.



3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner attacked only the defacto complainant's hand and there is no specific overt-act attributed against the petitioner even as per the complaint. Accordingly, he prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner has attacked only the defacto complainant's hands, however, she was present at the time of occurrence. He further submitted that the investigation has almost been completed.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side), I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichy;

(ii) the petitioner shall report before the respondent police, daily at 10.30 a.m. and 05.30 p.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
24/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



mrn

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT CENTRAL PRISON, TRICHY

+1. CC to M/S.S.SATHIYA CHIDAMBARAM Advocate SR.No.35067

GJM/PM/SAR-I-24/11/2017-3P-7C

ORDER

IN

CRL OP(MD) No.16161 of 2017

Date :24/11/2017